THE HONL'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.26702 OF 1995

DATED: 22nd AUGUST, 2006.

Between :

1. Kontham Ayodhya and 13 others. … Petitioners

And

1. The Special Officer and Competent Authority,
   Urban Land Ceiling, Warangal District
   And 2 others. .. Respondents

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ORDER :

The petitioners, 14 in number, filed this writ petition seeking a declaration that the alleged action of the respondents in treating the land in Sy.No.260/A at Thimmapur village, Hanumakonda Mandal, Warangal District as surplus land and taking steps to make layouts as arbitrary and illegal.

It is pleaded by the petitioners that they are intending to purchase the plots out of Sy.No.260/A of Thimmapur village, Hanumakonda, owned by one Abdul Kareem Khadhar. It is stated that the said Abdul Kareem Khadhar also owns land in Sy.No.1607 of Fort Warangal and that he was declared as a surplus-holder under The Urban Land (Ceiling and Regulation) Act, 1976 (for short, 'the Act'). It is alleged that though the land situated in Sy.No.260/A is situated outside municipal limits and within the peripheral area and thus not attracted by the provisions of the Act, the respondents 2 and 3 erroneously treated the said land as part of Sy.No.1607. On a request made by the petitioners, the Assistant Director of Survey & Land Records, Warangal came to the spot on 14-11-1995 and fixed the boundaries in Sy.No.260. The 1st respondent has also issued a certificate that the land in Sy.No.260/A of Thimmapur village is not attracted by the provisions of the Act. Alleging that, in spite of the same, the respondents are attempting to induct the third parties in possession, this writ petition is filed.

In response to the Rule Nisi ordered by this Court, though the

respondents 1 and 3 did not choose to file any counter-affidavit, the 2nd respondent filed a counter-affidavit stating that the 2nd respondent has never dispossessed the petitioners and that they are taking steps only in respect of Sy.No.1607 to an extent of 16225 Sq. mts. which is a Government land and in respect of which lay out proposals were submitted by the Mandal Revenue Officer, Hanumakonda vide letter dated 22-10-1995.

In view of the counter-affidavit filed by the 2nd respondent, no further adjudication is necessary.

Accordingly, recording the statement of the 2nd respondent in his counter-affidavit, the Writ Petition is disposed of with a direction to the respondents not to dispossess the petitioners from the plots situated in Sy.No.260/A without following due process of law.

Writ Petition is accordingly disposed of. No costs.

G. ROHINI, J.

Dt. 22-8-2006
gbs